



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL


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500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

LLOYD W. PELLMAN
County Counsel

June 3, 2002

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(213) 687-7300

TO: SUPERVISOR ZEV YAROSLAVSKY, Chairman
SUPERVISOR GLORIA MOLINA
SUPERVISOR YVONNE BRATHWAITE BURKE
SUPERVISOR DON KNABE
SUPERVISOR MICHAEL D. ANTONOVICH

FROM: LLOYD W. PELLMAN 
County Counsel

RE: **Charges Made by Health Services Department to
Cesar Portillo**

At the Board's meeting on May 28, we were instructed to report to your Board regarding charges of \$338.55 made by the Department of Health Services for providing information to Cesar Portillo.

Enclosed is a copy of the Department of Health Services memorandum dated May 29, and attachments thereto, which summarize the basis for the charges.

The California Public Records Act ("CPRA") permits the public to inspect and copy existing records which are not otherwise exempt from disclosure. The request must reasonably describe an identifiable record. Duplication charges (with the exception of reproducing certain electronic records) are limited to the direct cost of duplication. The CPRA, however, does not require an agency to research records to compile information or to create additional records.

According to the Department, the requested information did not exist in an identifiable record maintained by the Department. The Department, accordingly, had no further legal obligations under the CPRA.

However, utilizing the rates for research charges set forth in County Code Section 2.170.010, the Department nevertheless provided Mr. Portillo an estimate of staff time at \$22.50 per hour necessary to research the requested information and to create a record providing the information requested.

The total estimate of \$338.55 included \$337.50 for staff time (\$22.50 per hour for 15 hours), plus a copying charge of \$0.30 (3¢ per page for 10 pages) and \$0.75 for handling, which are the rates established by the Auditor-Controller for these services. The estimate was accepted and paid by Mr. Portillo before the research was conducted.

We believe that the Department complied with its obligations under the CPRA and that under the circumstances the charges for preparation of the information, to which the requestor agreed in advance, were reasonably and properly assessed.

LWP:mr

Enclosures

c: David E. Janssen
Chief Administrative Officer

Violet Varona-Lukens, Executive Officer
Board of Supervisors

Dr. Thomas L. Garthwaite
Director and Chief Medical Officer
Department of Health Services



THOMAS L. GARTHWAITE, M.D.
Director and Chief Medical Officer

FRED LEAF
Chief Operating Officer

COUNTY OF LOS ANGELES
DEPARTMENT OF HEALTH SERVICES
313 N. Figueroa, Los Angeles, CA 90012
(213) 240-8101

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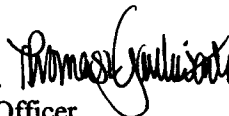
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May 29, 2002

TO: Lloyd W. Pellman
County Counsel

FROM: Thomas L. Garthwaite, M.D. 
Director and Chief Medical Officer

SUBJECT: CHARGES FOR PUBLIC DOCUMENTS

At the April 2, 2002 Board meeting, the Board requested us to review and report back to the Board on a statement from Cesar Portillo of the AIDS Healthcare Foundation (AHF) that there was a \$338 charge for a seven page document requested from the Office of AIDS Programs and Policy (OAPP). This is to provide you with a report on that statement for your review and transmittal to the Board.

Although the California Public Records Act request was dated January 11, 2002, the transmittal date at the top of the fax document received by OAPP was February 11, 2002. The request was for a detailed accounting of certain expenditures from Ryan White CARE Act funds for CARE Act FY 2000 and 2001.

The information requested did not exist in specific documents (identifiable records) which could be simply copied and provided to respond to the request. Thus, in February 19, 2002 letter to AHF (Attachment I), OAPP responded and indicated that the estimated cost of staff time to compile the information and provide it was \$337.50 and with \$1.05 of copying and handling fees, the total estimated cost was \$338.55. AHF remitted the funds, which were received by OAPP on March 7, 2002. The information was compiled and provided with a cover letter on March 21, 2002 (Attachment II).

According to OAPP staff, the actual compilation time exceeded the 16 hour estimate. The primary reason for the hours of compilation time by finance staff is that the CAPS system does not allocate costs based upon actual time spent by staff on a particular grant and thus this had to be done manually based on a recent time survey. Because the second CARE Act year for which the information was requested had not closed, the information was rechecked to make sure the estimates were accurate.

The California Public Records Act does not require the production or compilation of records which do not already exist. Since the information sought by AHF did not exist in identifiable records in the format or manner requested, there was no legal obligation to compile the information. However, a review of the OAPP correspondence indicates that OAPP could have been clearer in its February 19 letter to AHF that the information did not exist in the format requested and that the time estimate was for the purposes of compiling the information and presenting it in tables.

Lloyd W. Pellman
May 29, 2002
Page 2

OAPP estimated the charges in accordance with L.A. County Code Section 2.170.010 and this code section was referenced in the letter estimating the fees. Department staff will review this and similar requests to make sure that the code sections are being applied appropriately.

If you have any questions or need additional information, please let me know.

TLG:lm
204:012

Attachments



**COUNTY OF LOS ANGELES
DEPARTMENT OF HEALTH SERVICES
Public Health**

THOMAS L. GARTHWAITE, M.D.
Director of Health Services and Chief Medical Officer

JONATHAN E. FIELDING, M.D., M.P.H.
Director of Public Health and Health Officer

Office of AIDS Programs and Policy

CHARLES L. HENRY, Director
600 South Commonwealth Avenue, 6th Floor
Los Angeles, California 90005
TEL (213) 351-8000 • FAX (213) 387-0912

www.lapublichealth.org



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February 19, 2002

Clint Trout, Government Affairs Coordinator
AIDS Healthcare Foundation
6255 W. Sunset Boulevard, 21st Floor
Los Angeles, California 90028

Dear Mr. Trout:

This is in response to your request to the Office of AIDS Programs and Policy (OAPP) under the Freedom of Information Act ("FOIA") and the California Public Records Act (Government Code Section 6250 et seq.) for the following information:

1. Detailed accounting of Ryan White Title I funding used for planning council support in FY 2001, including personnel expenditures, vendors, supplies, etc.
2. Detailed accounting of Ryan White Title I funding used for grantee quality assurance in FY 2001, including personnel expenditures, vendors, supplies, etc.
3. Detailed accounting of Ryan White Title I funding used for grantee administration in FY 2001, including personnel expenditures, vendors, supplies, etc.
4. Detailed accounting of Ryan White Title I funding used for planning council support in FY 2000, including personnel expenditures, vendors, supplies, etc.
5. Detailed accounting of Ryan White Title I funding used for grantee quality assurance in FY 2000, including personnel expenditures, vendors, supplies, etc.
6. Detailed accounting of Ryan White Title I funding used for grantee administration in FY 2000, including personnel expenditures, vendors, supplies, etc.

Los Angeles County Code Section 2.170.010 authorizes the County of Los Angeles to charge fees for providing county records when the request describes the records sought by listing categories or records related to a particular subject, rather than reasonably describing an identifiable record. The fees are \$22.50 per hour for staff time to locate, retrieve and refile the records. In addition, there is a charge of \$.03 per page for copies of the documents plus a \$.75 per order handling fee. The first full hour of time expended on all requests from your office is provided free of charge.

Mr. Clint Trout
February 19, 2002
Page 2

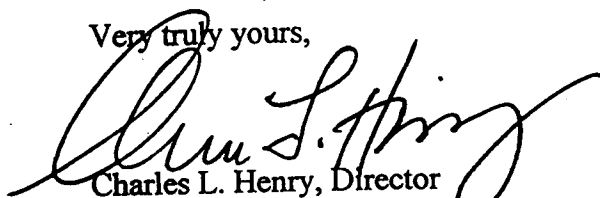
Payment of the amount outstanding from your most recent request (\$229.74) as well as payment of the attached estimate for the current request (\$338.55) is required before the work is commenced. Please remit a check for \$568.29 payable to the County of Los Angeles, Office of AIDS Programs and Policy to:

Patricia Gibson
Financial Services Director
600 South Commonwealth Avenue, 6th Floor
Los Angeles, California 90005

Any overpayment or underpayment shall be reconciled at the time that the records are provided.

If you have any questions or need additional information, please let me know.

Very truly yours,



Charles L. Henry, Director
Office of AIDS Programs and Policy

CLH:pg
PIRATI expenditures

Enclosures (1)

c: John F. Schunhoff
Patricia Gibson
Dr. Robert Fish
Dave Young
Laura Ramos

ASSESSMENT OF FEES

Reason: Freedom of Information Act Request
Requested By: Mr. Clint Trout, Government Affairs Coordinator
AIDS Healthcare Foundation
Date: January 11, 2002 (Received by OAPP February 12, 2002)

Los Angeles County Code Section 2.170.010 authorizes the County of Los Angeles to charge fees for providing county records when the request describes the records sought by listing categories or records related to a particular subject, rather than reasonably describing an identifiable record. The fees are \$22.50 per hour for staff time to locate, retrieve and refile the records. In addition, there is a charge of \$.03 per page for copies of the documents plus a \$.75 per order handling fee. The first full hour of time expended on all requests from your office is provided free of charge.

The following is the information you requested from the Office of AIDS Programs and Policy:

1. Detailed accounting of Ryan White Title I funding used for planning council support in FY 2001, including personnel expenditures, vendors, supplies, etc.
2. Detailed accounting of Ryan White Title I funding used for grantee quality assurance in FY 2001, including personnel expenditures, vendors, supplies, etc.
3. Detailed accounting of Ryan White Title I funding used for grantee administration in FY 2001, including personnel expenditures, vendors, supplies, etc.
4. Detailed accounting of Ryan White Title I funding used for planning council support in FY 2000, including personnel expenditures, vendors, supplies, etc.
5. Detailed accounting of Ryan White Title I funding used for grantee quality assurance in FY 2000, including personnel expenditures, vendors, supplies, etc.
6. Detailed accounting of Ryan White Title I funding used for grantee administration in FY 2000, including personnel expenditures, vendors, supplies, etc.

The following is the estimate of the cost that will be incurred to provide the information requested:

ITEM	RATE	UNITS	COST
Staff Time	\$22.50 per hour	16-1 = 15 hours	\$337.50
Copies	\$.03 per page	10 pages	.30
Handling Fee	\$.75 per order	1 order	.75
TOTAL COST			\$338.55



**COUNTY OF LOS ANGELES
DEPARTMENT OF HEALTH SERVICES
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Director of Health Services and Chief Medical Officer

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March 21, 2002

Clint Trout, Government Affairs Coordinator
AIDS Healthcare Foundation
6255 W. Sunset Boulevard, 21st Floor
Los Angeles, California 90028

Dear Mr. Trout:

In response to your request for detailed information about Title I administrative agency, planning council, program support and quality management expenditures during Fiscal Year 2000 and Fiscal Year 2001, I have attached the following:

- A spreadsheet detailing the funds allocated by the Los Angeles County Commission on HIV Health Services for these four priorities in Fiscal Years 2000 and 2001, the amounts spent in Fiscal Year 2000 and estimated expenditures for Fiscal Year 2001. Please note that these amounts include Title I and Title II allocations and expenditures.
- Four spreadsheets providing additional detail about Title I expenditures for Fiscal Year 2000 and estimated expenditures for Fiscal Year 2001. This information is presented in the budget format used by the Health Resources and Services Administration (HRSA).

Please note that while \$1,051,571 was allocated for program support in Fiscal Year 2000, \$611,258 was expended. Similarly, while \$1,072,621 was allocated for planning council support in Fiscal Year 2001, estimated expenditures total \$423,868. OAPP is currently in the process of developing a detailed tracking system to allocate all appropriate costs to planning council support. Not having this system in place previously may account for some under reporting of expenditures in planning council support.

Mr. Clint Trout
March 21, 2002
Page 2

If you have any questions or need additional information, please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read "Charles L. Henry", written over the printed name.

Charles L. Henry, Director
Office of AIDS Programs and Policy

CLH:pg

Enclosures (5)

c: Health Deputies
Fred Leaf
John F. Schunhoff
Patricia Gibson
Dr. Robert Fish
Craig Vincent-Jones
Commission on HIV Health Services

PRIORITIES AND EXPENDITURES YEAR 10, 11 AND 12

PRIORITIES	SERVICES	Year 10		Year 10		Year 11		Year 11		Year 12	
		Ryan White Title I and Title II Combined Priorities	%	Expenditures	%	Ryan White Title I and Title II Combined Priorities	%	Estimated Expenditures*	%	Ryan White Title I and Title II Combined Priorities	%
Priority #6	Capacity Building/Technical Assistance										
	Provider Networks										
	Cultural Sensitivity/Cultural Appropriateness										
	Other Program Support										
	Subtotal Program Support **	1,051,571	2.8%	611,258	1.4%	527,885		527,885		683,940	1.6%
Priority #7	Commission Staffing Pattern										
	Needs Assessment										
	Comprehensive Care Plans										
	Member Participation										
	Assessment of the Administrative Mechanism										
	Statewide CSN										
	Marketing Activities										
	Grievance Procedures										
	Subtotal Planning Council Support	367,118	1.0%	367,118	2.8%	1,072,621		423,868		1,144,395	2.8%
	Quality Management					596,519	1.6%	181,440	2.0%	817,425	2.0%
Priority #8	Administrative Agency Costs	2,030,637	5.4%	2,030,637	5.4%	2,041,861	5.4%	2,041,861	5.4%	2,188,987	5.4%
	Subtotal for Priorities 6-9	3,449,328	9.2%	3,009,013	11.2%	4,238,886		3,155,054		4,804,747	11.8%

Year 10: Title I \$34,683,327 Title II \$2,984,713 = \$37,668,040
 Year 11: Title I \$35,020,216 Title II \$2,908,503 = \$37,928,719
 Year 12: Title I \$37,962,755 Title II assumed level: \$2,908,503 = \$40,871,258

* Year 11 totals do not include Year 9 rollover of \$613,050 expended in Year 11 on program support

Expenditure amounts do not include county-supported expenditures.

Year 12 Program Support includes:	Service Provider Networks (5 Contracts):	\$487,730
	Training (1 Contract):	\$168,881
	Med. Outpatient Cap. Dev. (2 Contracts):	\$300,000
	Client Level Reporting Assistance (1 Contract):	\$392,000
	OAPP Cap. Dev. and Evaluation Staff/Related Cost:	\$112,233
		\$1,460,844

(Variance between actual and priority allocation for Program Support to be funded through underspending of County funds)

Title I Admin: 5% Title II Admin: 10%
 Year 10 \$1,734,168 Year 10 \$296,471
 Year 11 \$1,751,011 Year 11 \$290,850

**COUNTY OF LOS ANGELES - DEPARTMENT OF HEALTH SERVICES
OFFICE OF AIDS PROGRAMS AND POLICY
RYAN WHITE CARE ACT TITLE I
ADMINISTRATIVE AGENCY EXPENDITURES
FY 2000-2001 AND 2001-2002**

<u>BUDGET CATEGORIES</u>	<u>FY 2000-2001 TOTAL EXPENDITURES</u>	<u>FY 2001-2002 TOTAL ESTIMATED EXPENDITURES</u>
Salary & Employee Benefits	\$1,615,265	\$1,623,092
Travel/Training	\$26,686	\$24,597
Equipment		
Supplies	\$6,662	\$379
Other	\$85,553	\$102,943
Consultant/Contractual		
Indirect		
 TOTAL EXPENDITURES	 <u><u>\$1,734,166</u></u>	 <u><u>\$1,751,011</u></u>

**OFFICE OF AIDS PROGRAMS AND POLICY
RYAN WHITE CARE ACT TITLE I
PLANNING COUNCIL EXPENDITURES
FY 2000-2001 AND 2001-2002**

<u>BUDGET CATEGORIES</u>	<u>FY 2000-2001 TOTAL EXPENDITURES</u>	<u>FY 2001-2002 TOTAL ESTIMATED EXPENDITURES</u>
Salary & Employee Benefits	\$254,907	\$237,314
Travel/Training	\$8,172	\$6,801
Equipment		
Supplies	\$3,602	\$35,117
Other	\$100,437	\$57,592
Consultant/Contractual	\$0	\$87,044
Indirect		
TOTAL EXPENDITURES	<u>\$367,118 *</u>	<u>\$423,868</u>

- * OAPP is currently in the process of developing a tracking system to allocate all appropriate costs to planning council support. Not having this system in place previously may account for some under-reporting of expenditures in planning council support.

COUNTY OF LOS ANGELES - DEPARTMENT OF HEALTH SERVICES
OFFICE OF AIDS PROGRAMS AND POLICY
RYAN WHITE CARE ACT TITLE I
PROGRAM SUPPORT EXPENDITURES
FY 2000-2001 AND 2001-2002

<u>BUDGET CATEGORIES</u>	<u>FY 2000-2001 * TOTAL EXPENDITURES</u>	<u>FY 2001-2002 TOTAL ESTIMATED EXPENDITURES</u>
Salary & Employee Benefits	\$352,305	\$226,829
Travel/Training	\$5,356	\$7,424
Equipment		
Supplies	\$2,660	\$5,278
Other	\$46,758	\$119,473
Consultant/Contractual**	\$204,179	\$168,881
Indirect		
TOTAL EXPENDITURES	<u>\$611,258</u>	<u>\$527,885</u>

* FY 2000-2001 INCLUDES APPROXIMATELY \$43,000 IN QUALITY MANAGEMENT COSTS

** Includes one training and two medical outpatient capacity development contracts as follows:

Training contract \$168,881

Medical Outpatient Capacity Development contracts \$35,298

**RYAN WHITE CARE ACT TITLE I
QUALITY MANAGEMENT EXPENDITURES
FY 2000-2001 AND 2001-2002**

<u>BUDGET CATEGORIES</u>	<u>FY 2000-2001 * TOTAL EXPENDITURES</u>	<u>FY 2001-2002 TOTAL ESTIMATED EXPENDITURES</u>
Salary & Employee Benefits		\$144,558
Travel/Training		
Equipment		\$2,387
Supplies		\$14,495
Other		
Consultant/Contractual		
Indirect		
TOTAL EXPENDITURES	<u><u>\$0</u></u>	<u><u>\$161,440</u></u>

* FY 2000-2001 QUALITY MANAGEMENT INCLUDED IN PROGRAM SUPPORT

Our estimate is that approximately \$43,000 in salary & employee benefits were included in the FY 2000 program support costs.